

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

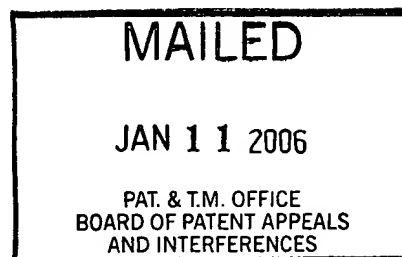
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHARLES MEUBUS, SYLVAIN JODOIN and ALAN BERNARDI

Appeal No. 2006-0319
Application No. 09/401,521

ON BRIEF

REMAND TO THE EXAMINER



On December 30, 2004, appellants filed a reply brief in response to the examiner's answer mailed November 2, 2004. The reply brief is not listed in the Patent Application Location and Monitoring (PALM) system. Before further review, entry of the reply brief in PALM is required.

Also, there is no indication on the record whether or not the examiner has responded to the reply brief. Section § 1208.03 of the Manual of Patent Examining Procedure (8th ed., Aug. 2001) states:

Appeal No. 2006-0319
Application No. 09/401,521

[A]ppellant may file a reply brief as a matter of right within 2 months from the mailing date of the examiner's answer. . . . The primary must then either: (A) acknowledge receipt and entry of the reply brief by using form paragraph 12.47 on form PTOL-90; or (B) reopen prosecution to respond to the reply brief. See MPEP § 1208.02.

Accordingly, it is

ORDERED that this application be remanded to the examiner for: 1) entry of the reply brief in PALM; 2) proper response to the reply brief filed December 30, 2004; and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

Dale M. Shaw
Program and Resource Administrator
(571)272-9797

cc: SMART AND BIGGAR
438 UNIVERSITY AVENUE
SUITE 1500 BOX 111
TORONTO, ON
M5G2K8
CANADA

DMS/lbg